

**From:** Andrew Ball  
**To:** Microsoft ATR  
**Date:** 1/23/02 12:29pm  
**Subject:** Microsoft Settlement

I would like to add my voice to the mountain of concern regarding the proposed settlement with Microsoft.

While I have significant concerns about all aspects of the proposal, there are two which deeply trouble me.

I am the Systems Administrator for a small non-profit arts organisation of 65 employees. Out of necessity, we work in a very mixed environment of Windows and Macintosh computers, with a few Unix boxes thrown in for good measure. We use Open Source and GPL software on our servers because these licenses allow us to be able to afford the tools required to seamlessly pass documents between all our environments using a tool called Samba.

The other day, I read this on the Samba team's development site:

----- quote starts here -----

The settlement states:

"E. Starting nine months after the submission of this proposed Final Judgment to the Court, Microsoft shall make available for use by third parties, for the sole purpose of interoperating with a Windows Operating System Product, on reasonable and non-discriminatory terms (consistent with Section III.I), any Communications Protocol that is, on or after the date this Final Judgment is submitted to the Court, (i) implemented in a Windows Operating System Product installed on a client computer, and (ii) used to interoperate natively (i.e., without the addition of software code to the client or server operating system products) with Windows 2000 Server or products marketed as its successors installed on a server computer. "

Sounds good for Samba, doesn't it. However, in the "Definition of terms" section it states :

"Communications Protocol" means the set of rules for information exchange to accomplish predefined tasks between a Windows Operating System Product on a client computer and Windows 2000 Server or products marketed as its successors running on a server computer and connected via a local area network or a wide area network. These rules govern the format, semantics, timing, sequencing, and error control of messages exchanged over a network. Communications Protocol shall not include protocols used to remotely administer Windows 2000 Server and products marketed as its successors. "

If Microsoft is allowed to be the interpreter of this document, then it could be interpreted in a very broad sense to explicitly exclude the SMB/CIFS protocol and all of the Microsoft RPC calls needed by any SMB/CIFS server to adequately interoperate with Windows 2000. They would claim that

these protocols are used by Windows 2000 server for remote administration and as such would not be required to be disclosed. In that case, this settlement would not help interoperability with Microsoft file serving one bit, as it would be explicitly excluded.

We would hope that a more reasonable interpretation would allow Microsoft to ensure the security of its products, whilst still being forced to fully disclose the fundamental protocols that are needed to create interoperable products."

----- end quote -----

The Samba team's concerns seem well founded to me. Were Samba to be stopped in development, our day to day operations would be significantly hampered. Additionally, there would be a significant impact on our budget as we are unable to afford commercial tools that perform as well as Samba does. Indeed, we have yet to find a commercial tool that offers the same quality that Samba does.

My second concern involves those aspects of the proposal that entail Microsoft "giving away" millions in software and hardware to educational institutions. That this proposal isn't seen as simply ludicrous is beyond me. Surely Microsoft's lawyers must be wringing their hands with glee at the prospect of indoctrinating young minds to the "Microsoft way" at so young an age. Simply put, this is akin to allowing Coke to supply free sugar water beverages to kindergarten. It's a cynical attempt to grab mindshare, nothing more.

Additionally, you do the educational institutions no favour. Why? Because those machines as they degrade over 12 months, will eventually become unusable and require maintenance. Without suitably trained staff and available Systems Administrators, the computers and the software are nothing more than time wasters, requiring hours of tinkering by non-technical staff in order to make them actually work. You're dooming the English teacher to trouble shooting the broken WindowsXP box in the corner because few school boards have the Systems Administrator resources to keep the machines up and running all the time.

Surely this aspect of the proposal must be seen for what it is: a hollow advertising scheme, propped up with assets that will cost Microsoft nothing (but which will undoubtedly be written off in the following tax year), assets that will suck the already limited resources of local school boards dry.

Please, reject the proposal.

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